

**ASSEMBLY BILL**

**No. 1921**

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**Introduced by Assembly Members Holden and Rendon**

February 19, 2014

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An act to add Section 10375 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1921, as introduced, Holden. Public contracts for services: access to records.

Existing law sets forth requirements for the acquisition of goods and services by state agencies and sets forth the various responsibilities of the Department of General Services and other state agencies in overseeing and implementing state contracting procedures and policies.

Existing law, the California Public Records Act, provides for public access to information concerning the conduct of the people's business, except for public records exempt from disclosure by express provisions of law. The act also provides that a state or local agency may not allow another party to control disclosure of information that is otherwise subject to disclosure.

This bill would require specified service contracts between a state agency and a person or company performing a governmental function to include provisions requiring agency access to records held by the contractor and notification that such records may be public records. This bill also would require the contractor to keep and maintain public records pertaining to the contract and to provide the agency with access to such records as provided in the California Public Records Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 10375 is added to the Public Contract  
2 Code, to read:  
3     10375. Each service contract in excess of twenty-five thousand  
4 dollars (\$25,000) between a public agency and a person or company  
5 for the performance of a governmental function shall provide that  
6 the public agency is entitled to receive a copy of records and files  
7 related to the performance of the governmental function, and  
8 indicate that such records and files are subject to the California  
9 Public Records Act and may be disclosed by the public agency  
10 pursuant to the California Public Records Act. Specifically, each  
11 service contract shall require that a contractor doing business with  
12 a department or agency shall do all of the following:  
13     (a) Keep and maintain the public records that ordinarily and  
14 necessarily would be kept and maintained by the agency in order  
15 to perform the service or activity.  
16     (b) Provide the agency with access to such records as provided  
17 in the California Public Records Act.